

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65358

Satoshi HOSHINO

Appln. No.: 09/899,075

Group Art Unit: 3693

Confirmation No.: 3548

Examiner: Jason M. Borlinghaus

Filed: July 6, 2001

For: AUTHENTICITY CHECKER FOR DRIVER'S LICENSE, AUTOMATED-TELLER MACHINE PROVIDED WITH THE CHECKER AND PROGRAM RECORDING MEDIUM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the

Examiner's Final Office Action dated August 15, 2007, Applicant files this Pre-Appeal Brief

Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-15 are all the claims pending in the application. Claims 1-8 and 14-15 have been examined and stand rejected and claims and claims 9-11 and 12-13 are withdrawn from consideration. Claims 1-8 and 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kofune et al. (US Patent 5,483,069; hereinafter "Kofune") in view of the allegedly admitted Prior Art. Applicant respectfully traverses the rejection for *at least* the following reasons.

As an initial matter, Applicant respectfully submits that the claims are patentable for the reasons submitted in the Response filed on November 15, 2007, which are incorporated herein by reference and summarized as follows.

Image capturing module

Claim 1 recites, *inter alia*, “a driver’s license image capturing module for image capturing a watermark of a driver’s license from both obverse and reverse side” Applicant respectfully submits that Kofune, alone or in combination with the alleged admitted Prior Art does not disclose this feature of claim 1. In the Final Office Action dated August 15, 2007, the Examiner asserts that Kofune allegedly discloses the claimed image capturing module in FIGS. 6 - 7 and column 5, lines 35 - column 6, line 21.

Kofune is concerned with validating bank bills, not for checking the authenticity of driver’s licenses. If Kofune is deemed to be relevant prior art, it does not disclose the structure or methods as recited in the claims.

As discussed in the November 15th response, Kofune discloses a reflection light sensor 3 and a transmission light sensor 8 (FIG. 6). These sensors are arranged in a row and in parallel with the conveying direction of a bank bill 1¹. Applicant respectfully submits that even though light is emitted underneath the bill 1 by the light emitter 7 and transmitted through the bill, the transmitted detector 6 detects the light from the top of the bill 1 (i.e., captures the image from the same side as the reflection sensor 8). Therefore, Kofune discloses that the detectors 5 and 6 capture the print pattern and the watermark data from the same side (from the top). Kofune clearly does not disclose image capturing a watermark from both the obverse and reverse side.

¹ It is clear from the illustration of FIG. 6 that element 7 emits the light and element 6 detects the light. However, the transmitted light emitter and transmitted light detector appear incorrectly labeled in FIG. 7.

Authenticity judging module

Claim 1 recites, *inter alia*, “an authenticity judging module which judges the driver’s license is a forgery if neither of the watermarks image captured from the obverse nor reverse side by the driver’s license image capturing module is recognized as a regular watermark, and judges the driver’s license is authentic if at least one of watermarks is recognized as a regular watermark.” The Examiner relies on Kofune disclosing a CPU comparing data output from both sensors (column 1, lines 16-22 and column 5, lines 35-column 6, line 21), for disclosing the unique features of the authenticity judging module described above. The Examiner appears to ignore certain limitations in claim 1.

For example, in claim 1 the driver’s license is judged to be a forgery if neither of the watermarks image captured from the obverse nor reverse side by the driver’s license image capturing module is recognized as a regular watermark. Applicant respectfully submits that since Kofune does not disclose capturing the image from both the obverse and the reverse side, it does not disclose judging the driver’s license is a forgery if neither of the watermarks image captured from the obverse nor reverse side by the driver’s license image capturing module is recognized as a regular watermark.

On the contrary, Kofune discloses detecting data on print patterns of the bill and comparing that data with print pattern data of the corresponding true bills sorted in a memory (column 1, lines 16-22). The bank bill 1 is validated by comparing the data detected by the sensors 3 and 8 with each other to see if they coincide. If the data detected by the two sensors coincide, the bill is deemed to be forged (column 6, lines 1-12). Kofune however, does not disclose judging a bill to be forged by determining if neither of the watermark images from the obverse nor the reverse side is recognized as a regular watermark.

Furthermore, Applicant respectfully submits that Kofune does not disclose judging whether the driver's license is authentic if at least one of watermarks (from the obverse and the reverse side) is recognized as a regular watermark. Instead, Kofune merely discloses that that the bill 1 is validated by comparing the data detected by the sensors 3 and 8 with each other to see if they coincide. If the data detected by the two sensors coincide the bill is disclosed to be forged (column 6, lines 1-12).

In view of the above, Applicant respectfully submits that claim 1 is allowable over the cited reference.

Claims 3-8

Applicant submits that claims 2-8, 14 and 15 are allowable at least for the reasons submitted with the November 15th Response. However, Applicant respectfully submits that claims 2 and 14 are patentable for the following reasons in addition to those submitted in the November 15th Response.

Image capturing controller

Claim 2 recites, *inter alia*, "a driver's license image capturing controller ... outputs a re-image capturing instruction to the drivers' license image capturing means if the watermark image capture from one side is not recognized as a regular watermark." In the August 15, 2007 Final Office Action, the Examiner asserts that Kofune discloses the image capturing controller in FIG. 7 and column 5, line 35 - column 6, line 21. Applicant respectfully disagrees for at least the following reasons.

The portion of the reference on which the Examiner relies discloses that the reflection light sensor 3 and the transmission light sensor 8 are controlled by data from a position detecting

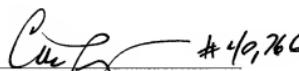
means 11. Both sensors 3 and 8 are arranged in a row and parallel with the conveying direction of the bank bill to read its print pattern of the same position (column 5, lines 45-51). However, Kofune does not disclose outputting a re-image capturing instruction to the drivers' license image capturing means if the watermark image capture from one side is not recognized as a regular watermark. That is, Kofune does not disclose determining if the watermark image captured from one side is recognized as a regular watermark and based on that result, outputting a re-image capture instruction to capture watermark image from the other side of the bill.

With regard to claim 14, Kofune does not disclose "if the watermark on the obverse is determined not regular, gathering second driver's license imaging data based on a watermark on the reverse side of the driver's license", for the same reasons discussed above.

Conclusion

In view of the above, Applicant submits that the rejections are improper and that the application is in condition for allowance. Also, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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